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8 Attorney for Plaintiff
9 STANDARD INSURANCE COMPANY

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STANDARD INSURANCE COMPANY, an Oregon Corporation, Plaintiff, vs. VICTORIA P. GILLILAND, as Trustee of The Gilliland Revocable Trust and as an Individual; DAVID GILLILAND; JEFFREY GILLILAND; MATTHEW GILLILAND; and, LISA GILLILAND, Defendants.

Case No.: 3:18-cv-04929-RS
STIPULATION AND ORDER FOR DISMISSAL OF ENTIRE ACTION WITH PREJUDICE AND WITHOUT ATTORNEY FEES AND COSTS

The parties to this action are Interpleader Plaintiff STANDARD INSURANCE COMPANY (“Standard”) and Interpleader Defendants, VICTORIA P. GILLILAND, as an individual and as a Trustee of The Gilliland Revocable Trust, along with four individual Defendants DAVID GILLILAND, JEFFREY GILLILAND, MATTHEW GILLILAND, and LISA GILLILAND (collectively all named Defendants in this action are referred to as the “Interpleader Defendants”).

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I. STIPULATION

2 Standard and the Interpleader Defendants (collectively the “Parties”) have
3 settled their differences and performed according to the requirements of their
4 November 26, 2018 “Stipulation and Order for Deposit of Funds, Payment of
5 Deposited Funds and Discharge of Standard Insurance Company,” Pacer 20, and
6 their Confidential Release. The Parties now **STIPULATE** as follows:

7 1. Victoria Gilliland has received her check in full payment of all sums due her
8 under the “Stipulation and Order for Deposit of Funds, Payment of Deposited
9 Funds and Discharge of Standard Insurance Company,” Pacer 20. Victoria
10 Gilliland has deposited that check and has advised Standard that the check has
11 been honored. See Pacer 20 esp pp 6-7 ¶¶ 6-7 (Gilliland’s obligation to notify
12 Standard check has been paid and Parties’ requirements thereafter to proceed with
13 dismissal).

14 2. This entire action should be dismissed with prejudice, including a provision
15 that none of the Parties shall ever make any claim against any other of the Parties
16 for attorney fees, costs or any expense of any kind in connection with the
17 prosecution and dismissal of this action or any event occurring prior to the date of
18 this stipulation. In this connection, the Parties note that all their respective claims
19 for (i) attorney fees and costs incurred in this action, or, (ii) attorney fees and costs
20 incurred at any time prior to submission of this Stipulation in any connection with
21 payment of any amount due or claimed to be due from Standard to any person or
22 entity on the death of James George Gilliland, Jr., have been resolved as set forth
23 in the “Stipulation and Order for Deposit of Funds, Payment of Deposited Funds
24 and Discharge of Standard Insurance Company” (Pacer 20) and the Parties’
25 Confidential Release.

26 **SIGNATURE ATTESTATION:**

27 I, Warren H. Nelson, Jr., counsel to Standard Insurance Company, hereby
28 attest under penalty of perjury that I have in my possession the original signatures

1 of Andrew R. Verriere, Esq., counsel to Victoria P. Gilliland individually and as
2 Trustee of The Gilliland Revocable Trust, and Michael C. Cooper, Esq., counsel to
3 David Gilliland, Jeffrey Gilliland, Matthew Gilliland, and Lisa Gilliland,
4 stipulating as noted above and approving as to form as noted below the Order
5 submitted herewith.

6 SO STIPULATED and ATTESTED:

7 Dated: January 30, 2019

8 /s/ Warren H Nelson Jr.
9 WARREN H. NELSON, JR. #104744
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10 6161 El Cajon Boulevard, # 273
San Diego, CA 92115
Telephone: (619) 988 8828
Email: whnapc@gmail.com

11 Attorney for Plaintiff
12 STANDARD INSURANCE COMPANY

13 SO STIPULATED:

14 Dated: January 25, 2019

15 /s/ Andrew R. Verriere
16 MARGARET M. HAND #167510
ANDREW R. VERRIERE #264674
HARTOG|BAER|HAND
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19 Attorneys for Defendant
20 VICTORIA P. GILLILAND, as Trustee of
21 The Gilliland Revocable Trust and as an
22 Individual

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1 SO STIPULATED:

2 Dated: January 24, 2019

3 /s/ Michael C. Cooper
4 GUY D. CALLADINE #99431
5 MICHAEL C. COOPER #114729
6 CARLSON, CALLADINE &
7 PETERSON LLP
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Attorneys for Defendants
DAVID GILLILAND, JEFFREY
GILLILAND, MATTHEW GILLILAND,
AND LISA GILLILAND

10 **II. ORDER**

11 The Court has considered the foregoing stipulation as well as the
12 “Stipulation and Order for Deposit of Funds, Payment of Deposited Funds and
13 Discharge of Standard Insurance Company,” Pacer 20. As jointly requested by the
14 Parties, the Court now **ORDERS** that this entire action is **DISMISSED WITH**
15 **PREJUDICE**. Further, the Court **ORDERS** that none of the Parties shall at any
16 time make against any other of the Parties any claim for attorney fees, costs and
17 expenses in connection with the prosecution and dismissal of this action or any
18 event occurring prior to the date of this **ORDER**. The Court notes that each of the
19 Parties’ counsel has approved this **ORDER** as to form:

20 APPROVED AS TO FORM:

21 Dated: January 30, 2019

22 /s/ Warren H Nelson Jr.
WARREN H. NELSON, JR. #104744
23 A PROFESSIONAL CORPORATION
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1 APPROVED AS TO FORM:

2 Dated: January 25, 2019

3 /s/ Andrew R. Verriere
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5 ANDREW R. VERRIERE #264674
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13 Attorneys for Defendant
14 VICTORIA P. GILLILAND, as Trustee of
15 The Gilliland Revocable Trust and as an
16 Individual

17 APPROVED AS TO FORM:

18 Dated: January 24, 2019

19 /s/ Michael C. Cooper
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29 Attorneys for Defendants
30 DAVID GILLILAND, JEFFREY
31 GILLILAND, MATTHEW GILLILAND,
32 AND LISA GILLILAND

33 **IT IS SO ORDERED.**

34 Dated: January 25, 2019

35 
36 Richard Seeborg
37 United States District Court Judge